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6 *Attorneys for Defendant Flournoy Management, LLC*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 NAUTILUS INSURANCE COMPANY,
10 Plaintiff,
11 vs.
12 ACCESS MEDICAL, LLC; ROBERT
13 CLARK WOOD, II; FLOURNOY
14 MANAGEMENT, LLC; and DOES 1-10,
inclusive,
15 Defendants.
16

CASE NO.: 2:15-cv-00321-JAD-GWF

**MOTION AND PROPOSED ORDER TO
WITHDRAW AS COUNSEL OF RECORD**

17 JAMES E. HARPER, ESQ. and TAYLOR G. SELIM, ESQ., respectfully move this court for
18 an order permitting James E. Harper, Esq. and Taylor G. Selim, Esq. (Counsel) to withdraw as
19 counsel for Defendant, FLOURNOY MANAGEMENT, LLC, in the above-entitled matter.

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1 This Motion is made and based upon the Memorandum of Points and Authorities submitted
2 herewith, Local Rule IA 11-6(b) and (e), the Declaration of James E. Harper, Esq. attached hereto,
3 and the pleadings and papers on file herein.

4 DATED this 20th day of October 2021.

5 **HARPER | SELIM**

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8 JAMES E. HARPER
9 Nevada Bar No. 9822
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12 1935 Village Center Circle
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14 *Attorneys for Defendant Flournoy Management,*
15 *LLC*

16 **DECLARATION OF JAMES E. HARPER, ESQ.**

17 I, James E. Harper, pursuant to NRS 53.045, declare under penalty of perjury as follows:

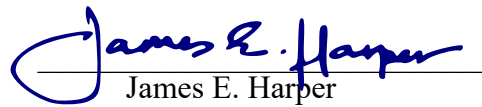
- 18 1. I am knowledgeable about all matters set forth in this Declaration and know them to be true,
19 except where stated upon information and belief, and in those instances I believe them to be
20 true.
- 21 2. I am an attorney duly licensed to practice law in the State of Nevada, and I was retained by
22 Defendant Flournoy Management, LLC ("Flournoy") regarding this matter.
- 23 3. Flournoy retained my law firm in this action and in so provided a retainer to be drawn down
24 as Counsel performed work on behalf of Flournoy in this case.
- 25 4. Counsel has exhausted the retainer provided by Flournoy and Counsel has not been paid for
26 its most recent work on behalf of Flournoy.
- 27 5. I understand and believe that Flournoy is in dissolution, per the Curt's Order in the
28 underlying California litigation.
6. There are no upcoming or outstanding hearings or discovery deadlines that would result in
delay if Counsel were permitted to withdraw.

7. Requiring Counsel to continue representing Flournoy without financial compensation would result in an unreasonable burden on Counsel.

8. The last known address for Flournoy is: Flournoy Management, LLC, 8550 W. Charleston Blvd., Suite 102-355, Las Vegas, Nevada 89117.

9. The current motion is brought in good faith and not for any nefarious purpose or for delay. I declare under penalty of perjury is true and correct.

DATED this 20th day of October, 2021.


James E. Harper

MEMORANDUM OF POINTS AND AUTHORITIES

The United States District Court Local Rules IA 11-6 provides that an attorney may withdraw from representation of a client under certain circumstances. Specifically, Local Rule IA 11-6(b) states:

If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel. The affected client may, but is not required to, file a response to the attorney's motion within 14 days of the filing of the motion, unless the court orders otherwise.

Local Rule IA 11-6(e) further provides: "Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case."

Good cause exists to allow Counsel for Flournoy Management to withdraw as attorneys of record in this case as outlined in the Declaration of James E. Harper, Esq. Counsel has exhausted the retainer originally provided by Flournoy and Counsel's recent invoices have not been paid. Furthermore, Counsel understands and believes that Flournoy is in dissolution, per the Court's Order in the underlying California litigation.

This Motion should be granted because requiring Counsel to continue representing Flournoy without compensation would result in an unreasonable burden on Counsel. Additionally, Counsel's

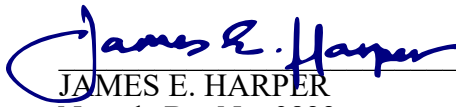
1 withdrawal would not result in any delay to Flournoy or the other parties in this case, as there are no
2 pending discovery deadlines or hearings scheduled.

3 **CONCLUSION**

4 Based on the foregoing, James E. Harper and Taylor G. Selim respectfully request that this
5 Court GRANT their motion to withdraw as counsel for Defendant Flournoy Management, LLC.

6 DATED this 20th day of October 2021.

7 **HARPER | SELIM**

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10 JAMES E. HARPER
11 Nevada Bar No. 9822
12 TAYLOR G. SELIM
13 Nevada Bar No. 12091
14 1935 Village Center Circle
15 Las Vegas, NV 89134
16 *Attorneys for Defendant Flournoy Management,*
17 *LLC*

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20 **Order**

21 IT IS ORDERED that ECF No. 156 is GRANTED.

22 IT IS FURTHER ORDERED that the Clerk of Court
23 is directed to update Flournoy Management, LLC's
24 address to

25 8550 W. Charleston Blvd, Suite 102-355
26 Las Vegas, NV 89117.

27 IT IS FURTHER ORDERED that Flournoy
28 Management, LLC must retain counsel and file a
notice of appearance by 12/3/2021, as corporations
cannot proceed *pro se*.

IT IS SO ORDERED

DATED: 9:42 am, October 22, 2021

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HARPER | SELIM and that on the 20th day of October 2021, the foregoing **MOTION AND PROPOSED ORDER TO WITHDRAW AS COUNSEL OF RECORD** was served upon the parties via the Court's e-Filing and service program, addressed as follows:


MARTIN J. KRAVITZ, ESQ.
L. RENEE GREEN, ESQ.
KRAVITZ, SCHNITZER
& JOHNSON, CHTD.
8985 South Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Attorneys for Defendants Access Medical, LLC and
Robert Clark Wood, II

JORDAN P. SCHNITZER, ESQ.
THE SCHNITZER LAW FIRM
9205 W. Russell Road, Suite 240
Las Vegas, Nevada 89148
Attorneys for Defendants Access Medical, LLC and
Robert Clark Wood, II

Galina Kletser Jakobson, Esq.
Linda W. Hsu, Esq.
Quyen Thi Le, Esq.
SELMAN BREITMAN LLP
33 New Montgomery, 6th Floor
San Francisco, CA 94105-4537
Attorneys for Plaintiff Nautilus Insurance Company

was served upon those persons by placing a true copy in a sealed envelope with the United States Postal Service addressed as follows:

Flournoy Management, LLC
8550 W. Charleston Blvd., Suite 102-355
Las Vegas, NV 89117



An Employee of
HARPER | SELIM